

EXHIBIT A

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Charles R. Norgle	Sitting Judge If Other than Assigned Judge	
CASE NUMBER	06 C 4155	DATE	9/22/2006
CASE TITLE	Nilssen et al. vs. General Electric Co. et al.		

DOCKET ENTRY TEXT

Plaintiffs' Motion to Stay Litigation [17] is granted. This case is hereby stayed pending the final disposition of the appeal in Ole K. Nilssen and GEO Foundation, Ltd. v. Osram Sylvania, Inc. and Osram Sylvania Products, Inc., United States Court of Appeal for the Federal Circuit, No. 2006-1550.



■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

On August 1, 2006, Plaintiffs filed their Complaint alleging infringement of several United States patents. The patents in this suit were the subject of a judgment entered in the Northern District of Illinois on July 5, 2006. In that judgment, Judge Darrah ruled that the patents were unenforceable. A Notice of Appeal was filed in that case on July 27, 2006, and the case is presently pending before the Federal Circuit. Ole K. Nilssen and GEO Foundation, Ltd. v. Osram Sylvania Inc. and Osram Sylvania Products, Inc., 2006-1550. Plaintiffs now move the court to stay the instant suit until the Federal Circuit decides this appeal.

The court's power to stay this case is "incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." Landis v. North American Co., 299 U.S. 248, 254 (1936). In considering this motion to stay, the court should consider both the interest of judicial economy and the potential prejudice or hardship to the parties. Bd. of Trs. of the Teachers' Ret. Sys. of the State of Ill. v. WorldCom, Inc., 244 F. Supp. 2d 900, 905-06 (N.D. Ill. 2002). A court is within its discretion to stay a case even where subject matter jurisdiction is uncertain. Id. at 902.

The court determines that a stay in this case is appropriate. No party will be prejudiced by a stay. In fact, allowing the suit to proceed would require the unnecessary expenditure of time and resources on the part of both counsel and the court, while risking a judgment inconsistent with the appeal. See id. at 905-06.

Counsel for Defendants asserts that the case is "ripe for dismissal" under FRCP 12(b)(1) and (6). When the court lifts the stay of this case, counsel may file whatever motions she finds appropriate, and the court will set a briefing schedule on those motions.

EXHIBIT B

Respectfully submitted,

Dated: September 28, 2006

By: s/ Margaret M. Duncan

Margaret M. Duncan
Krista Vink Venegas
McDermott Will & Emery LLP
227 West Monroe Street
Chicago, Illinois 60606-5096
Telephone: 312.372.2000
Fax: 312.984.7700

Attorneys for Defendants
GENERAL ELECTRIC COMPANY and
GE LIGHTING, LLC

CERTIFICATE OF SERVICE

I, Margaret M. Duncan, do hereby certify that on this 28th day of September, 2006, I served a copy of DEFENDANTS' MOTION FOR RECONSIDERATION OF THE COURT'S ORDER TO STAY LITIGATION AND DEFENDANTS' MOTION TO DISMISS via ECF notice upon:

James D. Ryndak (ryndak@ryndaksuri.com)
Eric H. Weimers (weimers@ryndaksuri.com)
Mark K. Suri (suri@ryndaksuri.com)
Ryndak & Suri LLP
200 West Madison Street, Suite 2100
Chicago, IL 60606

s/ Margaret M. Duncan
Margaret M. Duncan

СНП99 4680148-2.037743.0053

EXHIBIT C

Eric H. Weimers

From: mduncan@mwe.com
Sent: Friday, October 13, 2006 10:20 PM
To: James Ryndak; Eric H. Weimers
Cc: kvinkvenegas@mwe.com
Subject: Nilssen v. General Electric
Follow Up Flag: Follow up
Flag Status: Completed
Attachments: Scan001.PDF; Scan001.PDF

Please see attached letter and enclosures. Thank you. Peg Duncan

Margaret M. Duncan
McDermott Will & Emery LLP
227 W. Monroe Street
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Please visit <http://www.mwe.com/> for more information about our Firm.

11/9/2006

McDermott Will & Emery

Boston Brussels Chicago Düsseldorf London Los Angeles Miami Munich
New York Orange County Rome San Diego Silicon Valley Washington, D.C.

Margaret M. Duncan
Attorney at Law
mduncan@mwe.com
312.984.6476

October 13, 2006

VIA E-MAIL/
CONFIRMATION VIA FEDEX

James D. Ryndak
Eric H. Weimers
Mark K. Suri
RYNDAK & SURI LLP
200 West Madison St., Suite 2100
Chicago, Illinois 60606

Re: *Nilssen, et al. v. General Electric Co., et al.*, Case No. 1:06-CV-04155 (N.D. Ill.)

Dear Counsel:

As you know, McDermott Will & Emery represents General Electric Company and GE Lighting, LLC (collectively, "GE") in the above-referenced matter.

We are serving herewith a copy of GE's Motion for Sanctions Pursuant to Fed. R. Civ. P. 11. As explained in our Motion for Reconsideration of the Court's Order to Stay Litigation and Defendants' Motion to Dismiss, GE has serious concerns about Plaintiffs' Complaint and your failure to conduct an adequate factual and legal investigation before bringing this suit.

Under Rule 11, Plaintiffs have twenty-one days after service hereof to withdraw their Complaint. GE reserves its right to file the enclosed motion with the Court at the end of the twenty-one day period if Plaintiffs fail to voluntarily dismiss the Complaint.

Please let us know before the close of business on **November 3, 2006**, whether your clients will stipulate to a dismissal of this case.

Very truly yours,



Margaret M. Duncan

Enclosures

cc: Edwin H. Wheeler, Esq. (w/o encls.)
Krista Vink Venegas, Esq. (w/o encls.)

CHI99 4689063-1.037743.0053

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

OLE K. NILSSEN and
GEO FOUNDATION, LTD.,

Plaintiffs,

V.

GENERAL ELECTRIC COMPANY and
GE LIGHTING, LLC,

Defendants.

Civil Action No. 1:06-CV-04155

Judge Charles R. Norgle

Magistrate Judge Jeffrey Cole

DEFENDANTS' MOTION FOR SANCTIONS

Defendants, General Electric Company and GE Lighting, LLC (collectively, “GE”), by and through their attorneys, hereby submit Defendants’ Motion for Sanctions. For the reasons set forth in the accompanying Memorandum in Support of Defendants’ Motion for Sanctions, GE respectfully moves this Court as follows:

1. To award sanctions against Plaintiffs for bringing a frivolous lawsuit based on unenforceable patents and invalid patent claims under Fed. R. Civ. P. 11, including dismissal of Plaintiffs' Complaint; and
2. To order Plaintiffs to pay GE's attorneys' fees and costs under Fed. R. Civ. P. 11 and/or 35 U.S.C. §285 for filing this lawsuit based on unenforceable patents and 35 U.S.C. §288 for filing this lawsuit based in part on invalid patent claims without properly withdrawing the invalid claims.

Respectfully submitted,

Dated: November __, 2006

By: _____

Margaret M. Duncan
Krista Vink Venegas
McDermott Will & Emery LLP
227 West Monroe Street
Chicago, Illinois 60606-5096
Telephone: 312.372.2000
Fax: 312.984.7700

Attorneys for Defendants
GENERAL ELECTRIC COMPANY and
GE LIGHTING, LLC

CERTIFICATE OF SERVICE

I, Margaret M. Duncan, do hereby certify that on this ____ day of November, 2006, I served a copy of DEFENDANTS' MOTION FOR SANCTIONS via ECF notice upon:

James D. Ryndak (ryndak@ryndaksuri.com)
Eric H. Weimers (weimers@ryndaksuri.com)
Mark K. Suri (suri@ryndaksuri.com)
Ryndak & Suri LLP
200 West Madison Street, Suite 2100
Chicago, IL 60606

Margaret M. Duncan

CHI99 4691394-1.037743.0053

EXHIBIT D

LAW OFFICES

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INTELLECTUAL PROPERTY
AND RELATED MATTERS

October 20, 2006

VIA E-MAIL AND US MAIL

Margaret M. Duncan, Esq.
McDermott Will & Emery
227 West Monroe Street
Chicago, Illinois 60606-5096

Re: *Nilssen, et al. v. General Electric Co., et al.*,
Case No. 1:06-CV-04155 (N.D.Ill.)

Dear Peg:

We are in receipt of your letter dated October 13, 2006 by which you served GE's Motion for Sanctions Pursuant to Fed. R. Civ. P. 11.

As you know, Judge Norgle entered an order on September 22, 2006 which stayed all proceedings in this case. A copy of the stay order is enclosed. We direct your attention to the last sentence of the order, which makes it clear that any motions, including motions to dismiss, are to be filed only after the Court lifts the stay. In view of the explicit terms of the stay order, GE's Rule 11 letter and Motion, as well as GE's previously-filed Motion to Dismiss, are untimely and in direct violation of the stay. Furthermore, because of the stay, your letter cannot commence the 21-day period under Rule 11. Consequently, we are not and will not be required to respond to it. One reason for the stay is to allow the parties to avoid unnecessary expense, and to minimize the expenditure of judicial resources, pending the resolution of the appeal in the *Osram* case. GE's actions in violation of the stay are causing Plaintiffs to incur unnecessary expense and will require the involvement of the Court.

Accordingly, we hereby demand that GE immediately withdraw GE's Rule 11 letter and its Motion to Dismiss. If GE declines to do so before close of business on October 25, 2006, we will file a motion asking the Court to require GE to show cause why GE should not be held in contempt for violating the stay order.

Very truly yours,



Eric H. Weimers

cc: James D. Ryndak
Mark K. Suri

EXHIBIT E

McDermott Will & Emery

Boston Brussels Chicago Düsseldorf London Los Angeles Miami Munich
New York Orange County Rome San Diego Silicon Valley Washington, D.C.

Margaret M. Duncan
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October 27, 2006

VIA E-MAIL/
CONFIRMATION VIA FEDEX

Eric H. Weimers, Esq.
RYNDAK & SURI LLP
200 West Madison St., Suite 2100
Chicago, Illinois 60606

Re: *Nilssen, et al. v. General Electric Co., et al.*, Case No. 1:06-CV-04155 (N.D. Ill.)

Dear Eric:

This is in response to your letter of October 20, 2006. We disagree with your contentions that our letter of October 13, 2006 did not begin the 21-day period for our motion for sanctions under Rule 11, and we will not withdraw our letter. Instead, we reiterate our request that you immediately withdraw Nilssen and Geo Foundation's Complaint filed after all six of the patents-in-suit already had been held unenforceable by Judge Darrah's Order of July 5, 2006.

As explained in GE's recent motion for reconsideration and in the proposed motion for sanctions accompanying our October 13 letter, GE has serious concerns about Plaintiffs' Complaint and your failure to conduct an adequate factual and legal investigation before bringing this suit. Your argument that GE somehow does not have the right to file its currently pending motion for reconsideration is completely belied by Judge Norgle's Minute Order dated September 29, 2006, requesting briefs on GE's motion.

Under Rule 11, we reiterate that Plaintiffs have 21 days after service of our October 13, 2006 letter and accompanying motion to withdraw their Complaint. GE reserves its right to file its motion with the Court after the 21-day period if Plaintiffs fail to voluntarily dismiss the Complaint. Please let us know before the close of business on **November 3, 2006**, whether your clients will stipulate to a dismissal of this case. Thank you.

Very truly yours,



Margaret M. Duncan

cc: Edwin H. Wheeler, Esq.
Krista Vink Venegas, Esq.

CHI99 4738209-1.037743.0053

EXHIBIT F

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INTELLECTUAL PROPERTY
AND RELATED MATTERS

October 30, 2006

VIA E-MAIL AND US MAIL

Margaret M. Duncan, Esq.
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227 West Monroe Street
Chicago, Illinois 60606-5096

Re: ***Nilssen, et al. v. General Electric Co., et al.,***
Case No. 1:06-CV-04155 (N.D.Ill.)


Dear Peg:

I write in response to your letter dated October 27, 2006.

Contrary to your characterization of my letter of October 20, 2006, we have not argued that GE does not have the right to file its currently-pending motion for reconsideration of the Court's stay order. As you note, the Court set a briefing schedule for the motion for reconsideration, and, indeed, we have filed our response to that motion.

Our position is that GE does not have the right to file a motion to dismiss, which it has done, nor does it have the right to send a Rule 11 letter and threaten to file a Rule 11 motion, which it has also done. These actions are clearly in violation of the stay. In particular, the Court explicitly ordered GE and its counsel not to file a motion to dismiss until the stay was lifted. GE has chosen to ignore the Court's order.

Very truly yours,



Eric H. Weimers

EHW:da

cc: James D. Ryndak, Esq.